

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

UNITED STATES OF AMERICA,

*Plaintiff,*

v.

GREG ABBOTT, in his capacity as  
GOVERNOR OF THE STATE OF TEXAS,  
and THE STATE OF TEXAS,

*Defendants.*

Case No. 1:23-cv-00853-DAE

**PLAINTIFF UNITED STATES' RESPONSE IN OPPOSITION TO  
PETITION FOR WRIT OF ERROR *CORAM NOBIS***

Plaintiff the United States of America submits this response in opposition to the March 4, 2024 *pro se* filing by Robert A. Heghmann ("Petitioner"), styled as a "Petition for a Writ of Error *Coram Nobis*." ECF No. 98 ("Petition"). That filing requests that the Court "gran[t] the Petition and allow the Petitioner to appear at the trial of this case to prove the allegations made in this Petition." Pet. 12. The Court should deny Petitioner's requested relief for the reasons set forth below.

First, the Federal Rules of Civil Procedure expressly abolished the "writ of error" sought in this Petition. Fed. R. Civ. P. 60(e) ("The following are abolished: ... *writs of coram nobis, coram vobis, and audita querela*." (emphasis added); *see, e.g., Simmons v. Twin City Towing*, 425 Fed. App'x 401, 403 n.2 (5th Cir. 2011) (recognizing abolition of writ); *Correa-Negron v. United States*, 473 F.2d 684, 685 (5th Cir. 1973) (recognizing same with respect to earlier version of Rule 60). Thus, the relief Petitioner seeks is not available.

Second, to the extent the Court construes the Petition as a motion for relief from a judgment or order under Rule 60(b), that motion should be denied. For one thing, no judgment or order has been entered against Petitioner, from which relief could be granted. For another, a motion under Rule 60(b) may only properly be brought by “a party or its legal representative.” Fed. R. Civ. P. 60(b); *see, e.g., In re El Paso Refinery, LP*, 37 F.3d 230, 234 & n.2 (5th Cir. 1994); *Kem Mfg. Corp. v. Wilder*, 817 F.2d 1517, 1520 (11th Cir. 1987). Because Petitioner is neither a party to this case nor a legal representative of one of the parties, he may not seek relief under Rule 60(b).

Third, to the extent the Court construes the Petition as a motion to intervene in this case, that motion should also be denied. The Petition simply lists a number of purported “errors” in this case, Pet. 2, and does not address or satisfy any of Rule 24’s requirements for intervention of right or permissive intervention. Fed. R. Civ. P. 24(a), (b). Nor does it address Petitioner’s standing to intervene in this case. *See Town of Chester, N.Y. v. Laroe Estates, Inc.*, 581 U.S. 433, 440 (2017). Therefore, Petitioner has not established that he is entitled to intervene in this case.

For the foregoing reasons, the United States respectfully requests that the Court deny the Petition.

Respectfully submitted,

Dated: March 8, 2024

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**CERTIFICATE OF SERVICE**

I certify that on March 8, 2024, a copy of this filing was served on counsel of record through the Court's electronic filing system. A copy was served on Petitioner Robert A.

Heghmann by mail at the following address:

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/s/ Andrew D. Knudsen  
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